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In each of these cases, plaintiffs attempt to evade federal jurisdiction by fraudulently joining physicians and pharmacies. This Court's recent decisions in several cases removed from

Mississippi are dispositive of these remand motions. *See French v. Wyeth*, No. 03-20353, PTO 3281 (E.D. Pa. Feb. 18, 2004) (fraudulent joinder of doctors); *Jamison v. Wyeth*, No. 03-20317, PTO 3339 (E.D. Pa. March 5, 2004) (fraudulent joinder of doctors and pharmacies).<sup>1</sup>

Copies of the pertinent papers filed in the transferor courts (which provide several additional grounds for the existence of federal jurisdiction) are provided in the accompanying Appendices.

WHEREFORE, for all of the reasons cited above and in the papers filed in the transferor courts, Wyeth respectfully requests that the Court deny plaintiffs' motions to remand.

Respectfully submitted,

"/s/" Paul B. Kerrigan PK726

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and

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<sup>1</sup> See also *Lawhon v. Wyeth*, No. 03-20226, PTO 3470 (E.D. Pa. Apr. 26, 2004) (fraudulent joinder of doctors); *Brister v. Wyeth*, No. 03-20558, PTO 3414 (E.D. Pa. Apr. 12, 2004) (fraudulent joinder of doctors); *Amiker v. Wyeth*, No. 03-20343, PTO 3391 (E.D. Pa. Apr. 2, 2004) (fraudulent joinder of doctors and sales representatives); *Meeks v. Wyeth*, No. 03-20290, PTO 3390 (E.D. Pa. Apr. 1, 2004) (fraudulent joinder of doctors); *Blackledge v. Wyeth*, No. 03-20542, PTO 3363 (E.D. Pa. March 16, 2004) (fraudulent joinder of doctors); *Alawine v. Wyeth*, No. 03-20764, PTO 3360 (E.D. Pa. March 12, 2004) (fraudulent joinder of doctors); *Cockrell v. Wyeth*, No. 03-20626, PTO 3350 (E.D. Pa. March 9, 2004) (fraudulent joinder of doctors); *Allen v. Wyeth*, No. 03-20310, PTO 3305 (E.D. Pa. Feb. 24, 2004) (fraudulent joinder of doctors); *Williams v. Wyeth*, No. 03-20244, PTO 3304 (E.D. Pa. Feb. 24, 2004) (fraudulent joinder of doctors); *Anderson v. Am. Home Prods. Corp.*, 220 F. Supp. 414 (E.D. Pa. 2002) (fraudulent joinder of sales representatives, pharmacies, and phentermine defendants).

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Date: May 10, 2004

Attorneys for Wyeth

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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IN RE: DIET DRUGS (Phentermine/  
Fenfluramine/Dexfenfluramine)  
PRODUCTS LIABILITY LITIGATION

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) MDL DOCKET NO. 1203  
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This document relates to:

JOYCE HARRIS, et al.,

Plaintiffs,

v.

AMERICAN HOME PRODUCTS  
CORPORATION, et al.,

Defendants.

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) No. 04-20224  
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**INDEX OF EXHIBITS IN SUPPORT OF  
WYETH'S NOTICE OF PENDING MOTIONS TO REMAND**

- A. Notice of Removal, dated 3/25/03
- B. Interneuron Pharmaceuticals, Inc. Joinder and consent to Removal, dated 3/25/03
- C. Motion to Remand and For Stay Pending Remand Decision, dated 4/21/03
- D. Order Staying Case Pending Resolution of Motion to Remand Pursuant to Uniform Local Rule 16.1(B)(2), dated 4/24/03
- E. Notice of Hearing, dated 4/30/03
- F. Memorandum of Authorities in Support of the Response of Wyeth to Plaintiffs' Motion to Remand, Preliminary Statement, dated 5/29/03
- G. Wyeth Defendants' Response to Plaintiffs' Motion to Remand, dated 5/29/03
- H. Response of Defendant, Kate N. Aseme, M.D., to Plaintiffs' Motion to Remand and Motion of Defendant, Kate N. Aseme, M.D., to Dismiss, dated 7/29/03
- I. Supplemental Notice of Removal, dated 8/1/03

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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IN RE: DIET DRUGS (Phentermine/  
Fenfluramine/Dexfenfluramine)  
PRODUCTS LIABILITY LITIGATION

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)  
) MDL DOCKET NO. 1203  
)  
)

This document relates to:

BERTHENE WASHINGTON, et al.,

Plaintiffs,

v.

AMERICAN HOME PRODUCTS  
CORPORATION, et al.,

Defendants.

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) No. 03-20233  
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**INDEX OF EXHIBITS IN SUPPORT OF  
WYETH'S NOTICE OF PENDING MOTIONS TO REMAND**

- A. Notice of Removal, dated 12/13/02
- B. Rugby Laboratories, Inc.'s Joinder In and Consent to Removal, dated 12/12/02
- C. Qualitest Products, Inc.'s Joinder In and Consent to Removal, dated 12/12/02
- D. Plaintiff's Motion to Remand, dated 1/6/03
- E. Joinder and Consent to Removal, dated 1/21/03
- F. Memorandum of Authorities in Support of the Response of Wyeth and Wyeth Pharmaceuticals Inc. to Plaintiffs' Motion to Remand, dated 2/7/03
- G. Wyeth and Wyeth Pharmaceuticals Inc.'s Response to Plaintiffs' Motion to Remand, dated 2/7/03
- H. Order, dated 2/10/03

*Notice of Pending Motions to Remand -- Mississippi Actions -- Clark, McCullum, Harris, Washington, Taylor, Wood, Fairley, Sample, Wise, Bolton, Cooper, Dickey, Holcomb, Lizana, Graves, and Walton.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Pending Motion to Remand and Index to Exhibits<sup>1</sup> was filed electronically this 10<sup>th</sup> day of May 2004 and is available for viewing and downloading from the ECF System of the United States District Court for the Eastern District of Pennsylvania.

The undersigned further certifies that a true and correct copy of the foregoing documents were served this 10<sup>th</sup> day of May 2004 by U.S. first-class mail, postage prepaid, upon all counsel required to be served by Pretrial Order No. 19.

"/s/" Paul B. Kerrigan                      PK726  
Paul B. Kerrigan

Date: May 10, 2004

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<sup>1</sup> Because of their volume, the exhibits for each Notice of Pending Motion to Remand could not be filed electronically. Rather, a paper copy of the exhibits is being filed with the Clerk of the Court this 10<sup>th</sup> day of May 2004 and served on the plaintiffs' counsel whose name first appears on the docket for each action in which a Notice of Pending Motion to Remand is filed. All other counsel of record in the action, the Special Discovery Master and MDL 1203 Lead and Liaison Counsel will be served this 10<sup>th</sup> day of May 2004 with a copy of the Index to Exhibits. If any of counsel would like a copy of the actual set of exhibits filed, they should contact Wyeth's Liaison Counsel in MDL 1203.